S.B. Civil Second Appeal NO.194/2005
M/s. Jaipur Golden Transport Co. Pvt. Ltd. & Anr.
Vs
Maheshwari Oswal Dharmashala Trust, Chittorgarh

DATE OF ORDER : - 9.8.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.RR Nagori, for the appellants.
Mr.Manish Shishodia , for the respondents.

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Heard learned counsel for the parties.

After going through the facts of the case, I do not find any substantial questions of law involved in this appeal. Therefore, the appeal deserves to be dismissed only on this count alone.

Learned counsel for the appellant at this stage, prayed that a reasonable time of two years may be granted to the appellant-tenant to vacate the suit premises as appellant is a transport company and will have to make some arrangements for shifting their entire business from one place to other place. Learned counsel for the respondents submits that the appellant can make arrangement forthwith as appellant is financially sound and, therefore, there is no reason to grant any further time for vacating the suit premises.

I considered the submissions of learned counsel for the parties and perused the facts of the case. Looking to the nature of the business of the appellant it will be just and proper that the decree under challenge shall not be executed till 31st Dec., 2006 provided the appellants furnish a written undertaking within a period of two month from today before the trial court that the appellant shall not part with possession of the suit property nor sub-let the property during this period and shall hand over the vacant possession of the suit property to the landlord by or before 1st Jan., 2007 and shall further pay all the arrears of rent and decretal amount to the landlord within a period of two months from today and further shall pay rent month by month to the landlord or shall deposit the rent in the court by 15th day of each succeeding month of his tenancy. In case of non-compliance and default,the decree shall become executable forthwith.

The appeal of the appellant is therefore, dismissed with above concession.

(Prakash Tatia), J.

c.p.goyal/-